

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17926-17975

[Approved by the Secretary of Agriculture, Washington, D. C., June 17, 1931]

17926. Misbranding and alleged adulteration of Whitlock's U-Gar-Gl. U. S. v. 142 Bottles of Whitlock's U-Gar-Gl. Consent decree of condemnation and destruction. (F. & D. No. 25208. I. S. No. 10565. S. No. 3482.)

Examination of samples of a drug product, known as U-Gar-Gl, from the herein-described shipment, having shown that it was not an antiseptic, as represented, and that it did not possess certain curative and therapeutic properties claimed for it in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Michigan.

On October 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 142 bottles of Whitlock's U-Gar-Gl, remaining in the original unbroken packages at Grand Ledge, Mich., alleging that the article had been shipped by the Cherokee Remedy Co., Chicago, Ill., on or about September 11, 1930, and had been transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of menthol, saccharin, benzoic acid, a small proportion of volatile oils including thymol, cinnamon oil, and clove oil, alcohol, and water, colored yellow. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard or quality under which it was sold, that is, it was labeled and sold as an antiseptic, whereas it was not antiseptic and had no antiseptic qualities.

Misbranding was alleged for the reason that the labels of the bottles and packages containing the article bore the following statements, "Has also proven good as an antiseptic dressing," and "The Cherokee Remedy," which statements were false and misleading, since the article was not good as an antiseptic dressing, and was not a Cherokee remedy. Misbranding was alleged for the further reason that the labels bore the following statements regarding the curative and therapeutic effects of the article, which were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "For cuts, wounds, * * * may be taken internally for disorders of the stomach and kidneys."

On February 11, 1931, John T. Whitlock, Chicago, Ill., intervenor, having admitted the facts set forth in the libel and having consented to the entry of decree, judgment was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be destroyed by the United States marshal, and that the intervenor pay costs in the amount of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17927. Adulteration and misbranding of Zi-O-Dine dental cream. U. S. v. 8 Gross Small Tubes, et al., of Zi-O-Dine Dental Cream. Default decree of destruction. (F. & D. No. 25309. I. S. Nos. 6788, 6789. S. No. 3575.)

Examination of samples of Zi-O-Dine dental cream from the herein-described shipments having shown that it was represented to be an antiseptic and prophylactic, whereas it was not, and that the labels bore claims of curative and

therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On or about November 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 gross small tubes and 16 gross large tubes of Zi-O-Dine dental cream at Mobile, Ala., consigned in various lots, on or about January 23, June 26 and August 4, 1930, alleging that the article had been shipped by the Iodine Products Co., from Laurel, Miss., and had been transported from the State of Mississippi into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, magnesium carbonate, soap, glycerin, small proportions of zinc iodide, peppermint oil and methyl salicylate, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (carton and tube) "Antiseptic, prophylactic."

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping container) "You won't have False Teeth if you start using Zi-O-Dine Now, Heals Bleeding Gums;" (carton) "Checks Pyorrhea, Heals Sore Bleeding Gums, Prevents Decay;" (tube) "Prevents Decay, Checks Pyorrhea, * * * Zi-O-Dine is Guaranteed to Prevent Bleeding Gums. * * * In a few days the gums will be sufficiently healed to use a brush;" (circular) "The Infection that causes sore, bleeding and soft gums is one of the deepest and most stubborn troubles dentists are called upon to combat. The gums are so constructed that penetration of ordinary medicals are too slight to be effective. That very condition caused the creation of Zi-O-Dine Dental Cream—and the use of enough powerful penetrating ingredients to really be effective. * * * Gum germs are difficult to inactive, therefore only the continued use of Zi-O-Dine—or any treatment, can be expected to be of lasting value. * * * At each use, a small but effective amount of medication penetrates to the infected area inactivating germs and healing tissues. Therefore, as you will readily see, to stop the use, will allow the infection to again spread to the healthy tissues."

On January 17, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17928. Misbranding of Dr. C. S. Williams' Emedent pyorrhea mouth wash No. 1. U. S. v. 23 Bottles et al., of Dr. C. S. Williams' Emedent Pyorrhea Mouth Wash, No. 1. Default decrees of destruction entered. (F. & D. Nos. 25128, 25129. I. S. Nos. 6368, 6390. S. Nos. 3375, 3376.)

Examination of a sample of a drug product, known as Dr. C. S. Williams' Emedent pyorrhea mouth wash No. 1, from one of the herein-described shipments, having shown that labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On September 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 39 bottles of Dr. C. S. Williams' Emedent pyorrhea mouth wash No. 1 at Mobile, Ala., alleging that the article had been shipped by the Emedent Pharmacal Co., from Ellisville, Miss., in part on or about June 12, 1930, and in part on or about July 18, 1930, and had been transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, boric acid, thymol, extracts of plant drugs, alcohol, and water.